

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on March 8, 2007 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)
Sen. Carol Williams (D)

Members Excused:

Sen. David E. Wanzenried (D)

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 128, 2/27/2007; HB 251,
2/27/2007; HB 322, 2/27/2007, HB
402, 2/27/2007
Executive Action: HB 402, HB 251, HB 128

HEARING ON HB 402

Opening Statement by Sponsor:

00:01:40 REP. ART NOONAN (D), HD 73, opened the hearing on HB 402, Revise fees collected by Supreme Court.

Proponents:

00:04:05 Ed Smith, Clerk of Supreme Court

00:05:18 Al Smith, Montana Trial Lawyers Association

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:05:48 Sen. Juneau to Rep. Noonan

00:08:55 Sen. Juneau to Ed Smith

00:09:31 Sen. O'Neil to Ed Smith

Closing by Sponsor:

00:10:36 Rep. Noonan

HEARING ON HB 251

Opening Statement by Sponsor:

00:12:20 REP. RON STOKER (R), HD 87, opened the hearing on HB 251, Allow creation of city court of record.

Proponents:

00:15:30 Alec Hanson, League of Cities and Towns

Opponents: None.

Informational Testimony:

00:16:56 Mary Phippen, Montana Magistrate's Association

Questions from Committee Members and Responses:

00:17:31 Sen. Laslovich to Mary Phippen

00:20:42 Sen. Laslovich to Rep. Stoker

00:25:00 Sen. McGee to Rep. Stoker

00:27:11 Sen. McGee to Mary Phippen

00:30:49 Sen. O'Neil to Mary Phippen

00:32:09 Sen. Laslovich to Mary Phippen

Closing by Sponsor:

00:33:59 Rep. Stoker

HEARING ON HB 128

Opening Statement by Sponsor:

00:35:51 **REP. ARLENE BECKER (D), HD 52**, opened the hearing on **HB 128**, Revise attorney general's duties re: public bonds & agreements.

[**EXHIBIT\(jus49a01\)**](#)

Proponents:

00:39:14 Brenda Nordlund, Department of Justice

[**EXHIBIT\(jus49a02\)**](#)

[**EXHIBIT\(jus49a03\)**](#)

00:46:11 Alec Hanson, League of Cities

Opponents: None

Informational Testimony: None.

Questions from Committee Members and Responses:

00:48:06 Sen. Shockley to Brenda Nordlund

00:48:39 Sen. McGee to Brenda Nordlund

00:56:06 Sen. Shockley to Brenda Norlund

Closing by Sponsor:

00:57:01 Rep. Becker

HEARING ON HB 322

Opening Statement by Sponsor:

01:02:22 REP. JOHN SINRUD (R), HD 67, opened the hearing on HB 322, Clarify legislative entities that can request Attorney General opinions.

Proponents: None.

Opponents:

01:03:28 Ann Brodsky, Legal Counsel, Governor's Office

Informational Testimony:

01:05:36 Brenda Norlund, Department of Justice

Questions from Committee Members and Responses:

01:06:01 Sen. Shockley to Ann Brodsky

01:09:25 Sen. O'Neil to Al Smith, Montana Trial Lawyers

01:10:40 Sen. Laslovich to Rep. Sinrud

01:17:42 Sen. Laslovich to Brenda Nordlund

01:20:05 Sen. O'Neil to Rep. Sinrud

Closing by Sponsor:

01:21:13 Rep. Sinrud

EXECUTIVE ACTION ON HB 402

01:24:45 Sen. Laslovich

01:24:56 Sen. Shockley

01:25:00 Valencia Lane

01:26:03 **Motion:** SEN. MCGEE moved that HB 402 BE CONCURRED IN.

Discussion:

01:26:14 Sen. O'Neil

01:26:54 Sen. Jent

01:29:08 Sen. Shockley

01:29:37 **Motion/Vote:** SEN. MCGEE CALLED THE QUESTION ON HB 402. Motion carried 11-1 by voice vote with SEN. O'NEIL voting no. Sen. Wanzenried voted yes by proxy. SEN. SHOCKLEY will carry HB 402.

EXECUTIVE ACTION ON HB 251

01:30:35 **Motion:** SEN. PERRY moved that HB 251 BE CONCURRED IN.

Discussion:

01:30:40 Sen. Jent

01:34:24 Sen. McGee

01:34:35 Sen. Jent

01:35:28 Sen. Laslovich

01:35:51 Sen. O'Neil

01:37:20 Sen. Jent

01:38:11 Sen. McGee

01:42:33 Sen. O'Neil

01:43:19 Sen. Shockley

01:43:42 Sen. Laslovich
01:44:11 Sen. Perry
01:44:56 Sen. McGee
01:45:09 Mary Phippen, Magistrate's Office

EXHIBIT(jus49a04)

01:46:37 Sen. Perry
01:47:45 Sen. O'Neil
01:48:50 Sen. Laslovich
01:53:27 Sen. Perry
01:53:41 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON
HB 251. Motion failed 3-9 by roll call vote with SEN.
O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.
01:54:17 **Motion/Vote:** SEN. LASLOVICH moved that HB 251 BE
TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 128

01:54:52 **Motion:** SEN. MOSS moved that HB 128 BE CONCURRED IN.

Discussion:

01:55:06 Sen. Jent
01:58:11 Sen. McGee
02:00:10 **Motion/Vote:** SEN. WANZENRIED CALLED THE QUESTION ON
HB 128. Motion carried 9-3 by voice vote with SEN.
CURTISS, SEN. MCGEE, and SEN. SHOCKLEY voting no.
SEN. O'NEIL will carry HB 128.
02:02:15 Sen. Laslovich

ADJOURNMENT

Adjournment: 11:05 A.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus49aad.pdf](#))